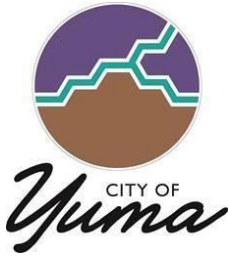


Notice of Public Hearing of the Planning & Zoning Commission of the City of Yuma

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Planning & Zoning Commission of the City of Yuma and to the general public that the Planning & Zoning Commission will hold a hearing open to the public on January 23, 2023, at 4:30 p.m. at the City Hall Council Chambers, One City Plaza, Yuma, AZ.

 <p>The logo of the City of Yuma, featuring a stylized mountain range in brown and green, with a blue and green winding path or river above it. Below the graphic, the words "CITY OF" are in small capital letters, and "Yuma" is in a large, flowing script font.</p>	<p>Revised Agenda</p> <p>Planning and Zoning Commission Meeting City Hall Council Chambers One City Plaza Yuma, AZ Monday, January 23, 2023, 4:30 p.m.</p>
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A. CALL TO ORDER

ELECTION OF OFFICERS – CHAIR AND VICE-CHAIR

B. CONSENT CALENDAR – All items listed under the consent calendar will be approved by one motion. There will be no separate discussion of these items unless the Commission or a member of the audience wishes to speak about an item.

B.1 APPROVAL OF MINUTES –

January 9, 2023

B.2 WITHDRAWALS BY APPLICANT – NONE

B.3 TIME EXTENSIONS – NONE

B.4 CONTINUANCES – NONE

B.5 APPROVALS – NONE

C. ACTION ITEMS –

C.1 CUP-40853-2022: *This is a request by Adrian Vega, on behalf of D & M Properties of Yuma, LLC, for a Conditional Use Permit to allow automotive repair within 600' of residential in the Heavy Industrial/Infill Overlay (H-I/IO) District. The property is located at 599 S. Gila Street, Yuma, Arizona.*

D. PUBLIC HEARINGS – NONE

E. EXECUTIVE SESSION –

Discussion or consultation for legal advice on state and federal laws with City Attorney's Office. A.R.S. § 38-431.03(A).

F. INFORMATION ITEMS

F.1 STAFF

F.2 COMMISSION

F.3 PUBLIC – Members of the public may address the Planning and Zoning Commission on matters that are not listed on the Commission agenda. The Planning & Zoning Commission cannot discuss or take legal action on any matter raised unless it is properly noticed for discussion and legal action. At the conclusion of the call to the public, individual members of the Commission may respond to criticism made by those who have addressed the Commission, may ask staff to review a matter or may ask that a matter be placed on a future agenda. All Planning & Zoning Commission meetings are recorded.

ADJOURN

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Division, One City Plaza, Yuma, AZ 85364; (928) 373-5125 or TTY (928) 373-5149.

Notice is hereby given, pursuant to the Yuma City Code, Title 15, Chapter 154, Section 02.01, that one or more members of the Planning and Zoning Commission may participate in person or by telephonic, video or internet conferencing. Voting procedures will remain as required by the Yuma City Charter and other applicable laws.

The Commission may vote to hold an executive session for the purpose of obtaining legal advice from the Commission's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

Planning and Zoning Commission Meeting Minutes
January 9, 2023

A regular meeting of the City of Yuma Planning and Zoning Commission was held on Monday, January 9, 2023 at the City of Yuma Council Chambers, One City Plaza, Yuma, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present were Chairman Chris Hamel and Commissioners Branden Freeman, Lorraine Arney, Joshua Scott, Ashlie Pendleton and John Mahon. Commissioner Edgar Olvera was absent.

STAFF MEMBERS present included Alyssa Linville, Director of Planning and Neighborhood Services; Emily Hart, Assistant City Attorney; Jennifer Albers, Principal Planner; Zenia Fiveash, Assistant Planner and Lizbeth Sanchez, Administrative Specialist.

Chairman Chris Hamel called the meeting to order at 4:30 p.m., and noted there was a quorum present.

CONSENT CALENDAR

MINUTES – November 28, 2022

WITHDRAWALS BY APPLICANT – None

CONTINUANCES – None

APPROVALS – None

Motion by Arney, second by Freeman to APPROVE the Consent Calendar as presented. Motion carried unanimously, (6-0) with one absent.

Action Items–

SUBD-40779-2022: *This is a request by Dahl, Robins & Associates, on behalf of the Brian L. Hall Living Trust and the Michael T. Hall Living Trust, for approval of the preliminary plat for the Saguaro Unit No. 5 and 6 Subdivision. This subdivision will contain approximately 69.4 acres and is proposed to be divided into 243 residential lots, ranging in size from approximately 7,592 square feet to 16,413 square feet, for the property located at the southwest corner of S. Mississippi Avenue (Avenue 7 ½E) and E. 44th Street, Yuma, AZ.*

Alyssa Linville, Director of Planning and Neighborhood Services, summarized the staff report and recommended **APPROVAL**.

QUESTIONS FOR STAFF

Commissioner Freeman asked why the comments from Arizona Game and Fish, provided on the report, were so long. **Linville** replied that Arizona Game and Fish notifies property owners if they are in an area that might disturb a natural habitat.

APPLICANT/APPLICANT'S REPRESENTATIVE

None

PUBLIC COMMENT

None

Motion by Freeman second by Pendleton to APPROVE SUBD-40779-2022 as presented. Motion carried unanimously, (6-0) with one absent.

Public Hearings –

GP-40624-2022: *This is a General Plan Amendment request by Bruce and Linda Butcher, to change the land use designation from Commercial to High Density Residential for approximately 10.5 acres, for a portion of the properties located at 1749 S. Arizona Avenue and the southeast corner of Riley Avenue and 17th Street, Yuma, AZ.*

Jennifer Albers, Principal Planner summarized the staff report and recommended **APPROVAL**.

QUESTIONS FOR STAFF

Freeman asked if there was a plan to widen Arizona Avenue to a 40' foot half width. **Andrew McGarvie, Engineering Manager**, replied that the City is reserving the right-of-way for additional widening in the future. **Freeman** then asked if a traffic study would be needed if the proposed development was approved. **McGarvie** replied yes.

APPLICANT/APPLICANT'S REPRESENTATIVE

None

PUBLIC COMMENT

None

Motion by Arney second by Freeman to APPROVE GP-40624-2022 as presented. Motion carried unanimously, (6-0) with one absent.

INFORMATION ITEMS

Staff

None

Commission

None

Public

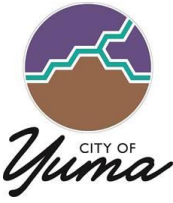
None

ADJOURNMENT

Chairman Hamel adjourned the meeting at 4:43 p.m.

Minutes approved this _____ day of _____, 2023

Chairman



STAFF REPORT TO THE PLANNING & ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – CONDITIONAL USE PERMIT
CASE PLANNER: ERIKA PETERSON

Hearing Date: January 23, 2023

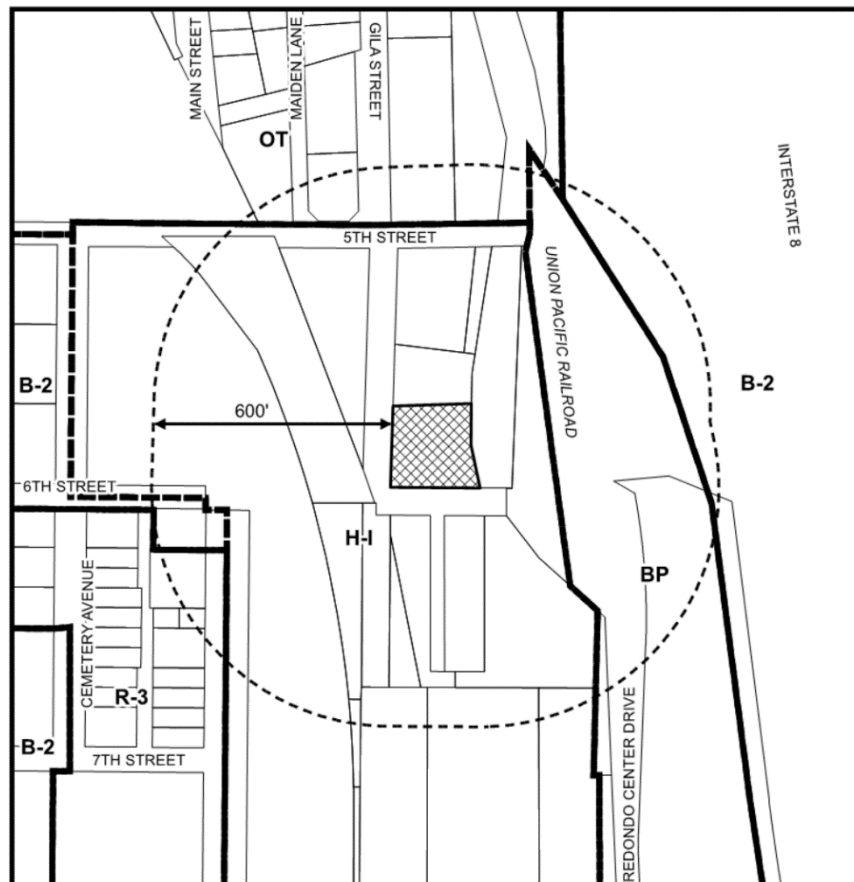
Case Number: CUP-40853-2022

Project Description/Location:

This is a request by Adrian Vega, on behalf of D & M Properties of Yuma, LLC, for a Conditional Use Permit to allow automotive repair within 600' of residential in the Heavy Industrial/Infill Overlay (H-I/IO) District. The property is located at 599 S. Gila Street, Yuma, Arizona.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Heavy Industrial/Infill Overlay (H-I/IO)	Vacant	Mixed Use
North	Heavy Industrial/Infill Overlay (H-I/IO)	Undeveloped	Mixed Use
South	Heavy Industrial/Infill Overlay (H-I/IO)	Undeveloped	Mixed Use
East	Heavy Industrial/Infill Overlay (H-I/IO)	Undeveloped	Mixed Use
West	Heavy Industrial/Infill Overlay (H-I/IO)	Undeveloped	Mixed Use

Location Map:



Prior site actions: Annexation: City Charter (1915); Subdivision: Modesti's Subdivision (February 1, 1921); Rezone: Z83-15; Conditional Use Permit: CU-87-7; Right-of-Way Abandonment: M96-001; Lot Tie: S96-001

Staff Recommendation: Staff recommends **APPROVAL** of the Conditional Use Permit to allow automotive repair within 600' of residential in the Heavy Industrial/Infill Overlay (H-I/IO) District, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Conditional Use Permit CUP-40853-2022 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the Conditional Use Permit, the Planning and Zoning Commission is authorizing the request by Adrian Vega, on behalf of D & M Properties of Yuma, LLC, for automotive repair within 600' of residential in the Heavy Industrial/Infill Overlay (H-I/IO) District for the property located at 599 S. Gila Street, Yuma, AZ subject to the conditions outlined in Attachment A, and affirmatively finds that the seven Conditional Use Permit criteria set forth in Section 154-03.05(G)(2) of the City of Yuma Zoning Code have been met.

Staff Analysis: The subject property is located on the northeast corner of Gila Street and the 6th Street intersection and is approximately .94 acres in size. Currently, the property is vacant and features one building, approximately 1,600 square feet in size, and a small storage building on the north side of the property. Historically, the property served as a citrus processing plant and cold storage for Sunkist Growers, Inc. With this request, the applicant is proposing to establish an automotive repair business within 600' of residential.

The property is in the Heavy Industrial/Infill Overlay District, requiring any building, outdoor area or parking to be setback 20' from any public or private street right-of-way line. Proper screening for activities not within an enclosed building are required to be enclosed with a six-foot high security fence. In addition, any storage or parking of inoperable dismantled vehicles, parts, or equipment need to be screened by a solid fence or wall. Furthermore, paved and striped parking, lighting, and landscaping are required under the development standards of the Heavy Industrial District for this property.

The applicant's site plan, seen in Attachment B, illustrates one existing building (40'x40'), a small storage building and eight parking spaces. Two future expansions are illustrated as well, each building measuring (40'x40'). The existing 40'x40' building has two service bays, which according to the applicant "will be retrofitted with two vehicle lifts and appurtenant equipment." Based on the proposed use, the parking requirement is three spaces for each service bay. The future expansions will prompt the addition of additional parking spaces outside of the 20-foot setback from any public or private street right-of-way line if they will be equipped with service bays.

The 2014 Old Town South Revitalization Plan and the 2021-2025 City of Yuma Strategic Plan identify development of underutilized properties within the area. The Yuma Multiversity Campus has been identified as a top priority for development

within the Old Town South Area. The Yuma Multiversity envisions a campus of up to 10,000 students, a research park, renovated historic buildings, and improved circulation in the downtown area. The development of the proposed conditional use would need to meet all the development standards of the district and ensure that it is compatible with the vision and goals of the revitalization strategies addressed in the 2014 Old Town South Revitalization Plan and 2021-2025 City of Yuma Strategic Plan.

1. What are the impacts of the proposed conditional use on neighboring properties and what conditions are being proposed to resolve those impacts?

SPECIFIC IMPACT AREA		ISSUE	CONDITION #
A.	Traffic	None	
B.	Parking	None	
C.	Lighting	None	
D.	Hours of Operation	None	
E.	Indoor/Outdoor Activities	Outdoor storage will need to be properly screened so as to not be visible from the public street right-of-way	1
F.	Noise	None	
G.	Air Quality	None	
H.	Hazardous Materials	None	
I.	Crime Prevention (CPTED)	Adequate lighting will need to be installed	1
J.	Other	None	

2. Does the site plan comply with the requirements of the zoning code?

Yes. The site plan complies with the requirements of the zoning code.

3. Does the proposed use and site plan comply with Transportation Element requirements?

FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
Gila Street – Collector Street	40 FT H/W ROW	35 FT H/W ROW				
Bicycle Facilities Master Plan	None					
YCAT Transit System	3 rd Street: Green Route 4/4A					
Issues:	None					

4. Does the proposed conditional use conform to all prior City Council actions for this site?

Yes.

5. Can the P&Z Commission answer the following questions affirmatively?

(1) Is the Planning and Zoning Commission, or the City Council, authorized under the zoning code to grant the conditional use permit described in the application?

Yes. The Planning and Zoning Commission has the authority to review and approve this request per Section 154-09.03 (F), which requires a Conditional Use Permit for any industrial activity (automotive repair) located within 600 feet any residential zoning district.

(2) Will the establishment, maintenance, and/or operation of the requested conditional use, under the circumstances of the particular case, not be detrimental to the health, safety; peace, morals, comfort, or general welfare of persons residing, or working,

in the vicinity or such proposed use, or be detrimental, or injurious, to the value of property in the vicinity, or to the general welfare of the city?

Yes. The proposed use would not be detrimental to the health, safety; peace, morals, comfort, or general welfare of person residing, or working, in the vicinity.

(3) Are the provisions for ingress, egress, and traffic circulation, and adjacent public streets adequate to meet the needs of the requested conditional use?

Yes. The existing ingress, egress, and traffic circulation meet the needs of the requested conditional use.

(4) Are the provisions for building(s) and parking facility setbacks adequate to provide a transition from, and protection to, existing and contemplated residential development?

Yes. The existing building and parking are adequate, providing a transition from, and protection to, existing and contemplated development in the area.

(5) Are the height and bulk of the proposed buildings, and structures, compatible with the general character of development in the vicinity of the requested conditional use?

Yes. The height and bulk of the existing and proposed buildings, and structures are compatible with the general character of development in the vicinity.

(6) Have provisions been made to attenuate noise levels and provide for adequate site, and security lighting?

Yes. Adequate site and security lighting are required with the approval of this request.

(7) Has the site plan for the proposed conditional use, including, but not limited to landscaping, fencing, and screen walls and/or planting, CPTED strategies (Crime Prevention Through Environmental Design), and anti-graffiti strategies been adequately provided to achieve compatibility with adjoining areas?

Yes. The proposed project provides adequate landscaping and security fence. Any additional outdoor storage of dismantled, inoperable vehicles, parts and equipment will need to be screened with a solid fence or wall.

Public Comments Received: None Received

Agency Comments: See Attachment E

Neighborhood Meeting Comments: None Received

Discussions with Applicant/Agent: 12/22/22

Proposed conditions delivered to applicant on: 12/27/2022

Final staff report delivered to applicant on: 1/13/2023

- | | |
|--|--|
| <input checked="checked" type="checkbox"/> | Applicant agreed with all of the conditions of approval on: January 13, 2023 |
| <input type="checkbox"/> | Applicant did not agree with the following conditions of approval: (list #'s) |
| <input type="checkbox"/> | If the Planner is unable to make contact with the applicant – Conditions of Approval were emailed to the applicant and a response has not be received. . |

ATTACHMENTS:

A	B	C	D	E	F	G	H
Conditions of Approval	Site Plan	Site Photos	Agency Notifications	Agency Comments	Neighbor Notification List	Neighbor Postcard	Aerial Photo

Prepared By:*Erika Peterson***Date: December 28, 2022**Erika Peterson
Associate PlannerErika.Peterson@YumaAZ.Gov (928)373-5000, x3071**Approved By:***Alyssa Linville***Date: January 13, 2023**Alyssa Linville,
Assistant Director Community Planning

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions of approval are roughly proportionate to the impacts associated with the conditional use and expected development on the property.

**Department of Planning and Neighborhood Services Comments: Alyssa Linville,
Assistant Director (928) 373-5000, x 3037:**

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.
3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

Development Engineering: Andrew McGarvie, Engineering Manager, (928)373-5000, ext. 3044

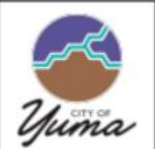
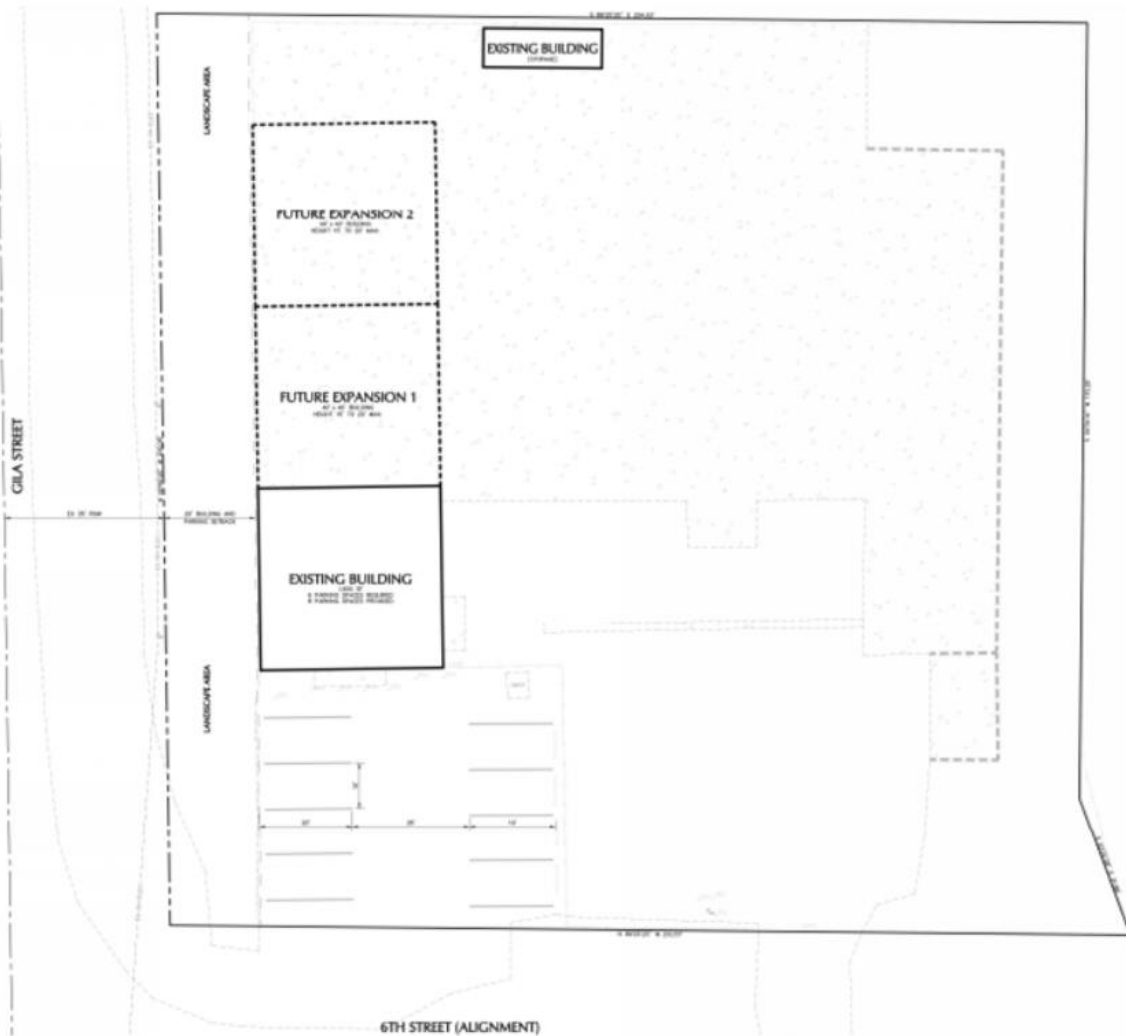
4. The owner/applicant shall ensure that storm water retention is provided Per City of Yuma code Chapter 192: "Stormwater Runoff in New Developments" such that storm water does not run off the site. This request is being made, as the storm water from this area typically drains directly to the Colorado River at Madison Ave outfall. The proposed use of the property could potentially provide avenues to accidental contamination to the river through the storm water runoff, hence the request that all storm water be handled onsite. In conversations with the applicant, it sounded like they were more or less in compliance with the request.

Community Planning: Erika Peterson, Associate Planner, (928) 373-5000, ext. 3071

5. Any substantial modification to the overall site design as represented on the site plan will require a public hearing and be subject to the approval of the Planning and Zoning Commission. A substantial modification to the site plan would include, but not necessarily be limited to, the relocation of vehicular access, the modification of storm water retention or the relocation of a building or structure.
6. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Conditional Use Permit or prior to the issuance of any Building Permit, Certificate of Occupancy or City of Yuma Business License for this property. In the event that the conditions are not completed within this time frame, the Conditional Use Permit shall be null and void.
7. In any case where a Conditional Use Permit has not been used within one year after the granting thereof, it shall be null and void.
8. Prior to the expiration date of the Conditional Use Permit, the applicant has the option to file for a one-year time extension.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B SITE PLAN



Prepared by:
DG
Date:
12/1/2022

CUP-040853-2022
599 S Gila St
Site Plan

Plan/Case:
CUP-40853-2022



ATTACHMENT C
SITE PHOTOS



ATTACHMENT D AGENCY NOTIFICATIONS

- Legal Ad Published: The Sun (12/30/22)
- 300' Vicinity Mailing: (12/05/22)
- 34 Commenting/Reviewing Agencies noticed: (12/08/22)
- Site Posted on: TBD (12/12/22)
- Neighborhood Meeting: TBD (12/21/22)
- Hearing Date: (01/23/23)
- Comments due: (12/19/22)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	12/12/22	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	NR				
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	YES	12/13/22	X		
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	12/14/22	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	YES	12/13/22			X
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	12/14/22	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT E
AGENCY COMMENTS

Conditions of approval must be written in the form of a formal condition for use in staff's report. Your conditions will be used verbatim. If you also have a comment, please indicate below.

☐ Condition(s)

☐ No Condition(s)

☒ Comment

Enter conditions here: Must meet all applicable fire and building codes for new use

DATE:	12/13/22	NAME:	Kayla Franklin	TITLE:	Fire Marshal
CITY DEPT:	Fire				
PHONE:	928-373-4865				
RETURN TO:	Erika Peterson				
	Erika.Peterson@YumaAZ.gov				

ATTACHMENT F
NEIGHBOR NOTIFICATION LIST

Property Owner	Mailing Address	City/State/Zip Code
UNION PACIFIC RAILROAD CO	1400 DOUGLAS ST STOP 1640	OMAHA, NE 68179
ALONZO RIGOBERTO	1350 W COLORADO ST #20	YUMA, AZ 85364
YUMA CITY OF	ONE CITY PLAZA	YUMA, AZ 85364
COCA COLA REFRESHMENTS USA INC	ONE COCA COLA PLAZA	HINESVILLE, GA 31313
MILLER DANIEL	1306 S 8TH AVE	YUMA, AZ 85364
SLATON ROBERT H & SUSAN K	14655 E 46TH LOOP	YUMA, AZ 85367
STANLEY DOUGLAS S & CARYL L TRUST	2915 S ARIZONA AVE	YUMA, AZ 85364
KKCC LLC AZ	14672 S AVE 4 1/4 E	YUMA, AZ 85365
VASQUEZ STEPHEN	624 S MAIN ST	YUMA, AZ 85364
FLORES GEORGE	634 S MAIN ST	YUMA, AZ 85364
RIDER AMBER K	654 S MAIN ST	YUMA, AZ 85364
ASSOCIATED CITRUS PACKERS INC AZ	PO BOX 4547	YUMA, AZ 85364
UNION PACIFIC RAILROAD CO	1400 DOUGLAS ST STOP 1640	OMAHA, AZ 85366

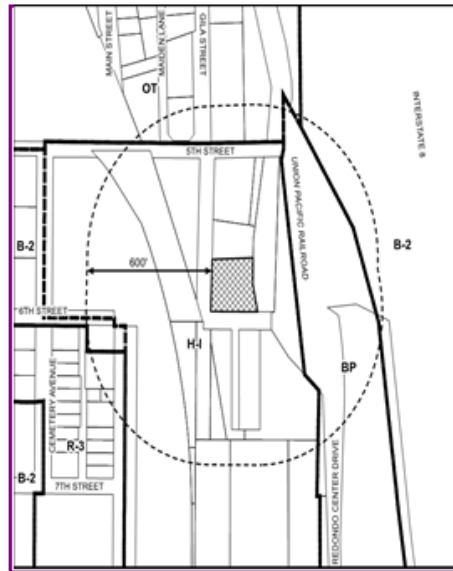
**ATTACHMENT G
NEIGHBOR MAILING**

This is a request by Adrian Vega, on behalf of D & M Properties of Yuma, LLC, for a Conditional Use Permit to allow automotive repair within 600' of residential in the Heavy Industrial/Infill Overlay (H-I/O) District. The property is located at 599 S. Gila Street, Yuma, Arizona.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
CUP-40853-2022**

**NEIGHBORHOOD MEETING
12/21/2022 @ 5:00PM
ON-SITE**

**PUBLIC HEARING
01/23/2023 @ 4:30pm
City Hall Council Chambers
One City Plaza, Yuma, AZ**



Because you are a neighbor within 600' of 599 S. Gila Street, Yuma, AZ, you are invited to attend the public hearing to voice your comments. If you have questions or wish to submit written comments, please contact Erika Peterson by phone at (928) 373-5000 ext. 3071 or by email at Erika.Peterson@YumaAz.gov

ATTACHMENT H
AERIAL PHOTO

